UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,130	10/03/2001	Truc D. Nguyen	66329/14562	2120

23380	7590	05/04/2005

TUCKER, ELLIS & WEST LLP
1150 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND, OH 44115-1475

EXAMINER
DIVINE, LUCAS

ART UNIT	PAPER NUMBER
2624	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _03 October 2001_.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-5_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-5_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _03 October 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _7/1/02, 2/25/02_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Brossman

et al. (US 6266150) hereafter as Brossman.

Regarding claim 5, Brossman teaches **a network** (Fig. 2) **comprising:**

at least one network printer (Fig. 2, wherein presentation devices 234 and 235 can be

printers; col. 3 lines 26-27) **having a printer controller** (Fig. 2, wherein wrappers 230 and 231

act as printer controllers by controlling network communications and printing to and from the

printers 234, 235);

at least one client device (client device shown in Fig. 4; col. 5 line 47) **submitting a**

print job to a network printer (the workstation specified by Brossman submits the presentation

job and attributes as shown in Fig. 2 going into server 205, wherein the job is routed through the

system elements to the printer controller and further to the printer, further shown in Fig. 3);

a printer controller monitoring utility for monitoring print functions (virtual printer

215 [Fig. 2] monitors the printer controllers and directs data to and from the printer controllers

[230, 231] – *Note: the components shown in Fig. 2 can be included in the same device or several*

physical devices, thus the functional units of Brossman shown in Fig. 2 can be comprised in the

one utility device; col. 5 lines 32-35), **the monitoring utility comprising:**

means for identifying a specific printer controller governing the print job
(step 345 in Fig. 3 and step 560 in Fig. 5 teach identifying the specific wrapper
[controller] that governs the converting of the print job for the job-specific printer);

means for loading a set of identifiers respective to a specific printer
controller (when the wrapper is used, the specific command identifiers for the printer are
called in order to create the device specific notifications [commands] and data, therefore
it is inherent to the wrapper's function of converting the generic data into specific data
that identifiers for the specific commands and data formats are loaded in the wrapper; col.
7 lines 46-48 and line 64 [knowledge of how to interpret and utilize]);

means for selecting from the identifiers a respective identifier corresponding
to a predetermined type of notification to be issued by the specific printer controller
(step 570 in Fig. 5 and step 750 in Fig. 7 teach the conversion of generic print data into
specific print data for the printer to use, this generic print data includes the predetermined
settings for the print job that the wrapper uses to generate printer specific notifications
[job ticket, commands, data notifications] based on the internally loaded identifiers that
identify the correct formatting to the device specific format; col. 7 line 61 – col. 8 line
12);

means for using the selected identifier to issue the predetermined type of
notification from the controller (step 370 in Fig. 3, step 580 in Fig. 5, step 760 in Fig.

7, wherein the notification of printing [commands, ticket, data] are issued to the printer

after the identifiers were used to create the notifications in the wrapper).

Note: the system of Brossman also completes the transfer and transform of data in the reverse

direction in the form of status reporting back to the user, therefore taking device specific status

messages and formatting them into a generic form, see status database 345, Fig. 6, col. 8 lines

22-33, col. 11 lines 1 – 42, and col. 12 lines 35-67.

Regarding claim 4, the structural elements of apparatus claim 5 include all of the

structural elements of apparatus claim 4, including all of the means included in the monitoring

utility. Therefore, claim 4 is rejected for the same reasons as stated above in the rejection of

claim 5.

Regarding claim 1, the structural elements of apparatus claim 5 perform all of the method

steps of method claim 1, including all of the steps included in the monitoring utility. Therefore,

claim 1 is rejected for the same reasons as stated above in the rejection of claim 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brossman as

applied to claim 1 above, and further in view of Nguyen et al. (US 6825941) hereafter as

Nguyen.

Regarding claim 2, which depends from claim 1, Brossman does not specifically teach

that the conversion to printer specific data by using **dynamic link libraries**.

Nguyen teaches conversion to printer specific data using **dynamic link libraries** (col. 8

lines 53-57).

It would have been obvious to one of ordinary skill in the art to use dynamic link libraries

to convert to printer specific data as taught in Nguyen in the system. The motivation for doing so

would have been to generate printer specific data in a fast and efficient manner by using the

generic to specific mappings of a dynamically linked library. Further, it is a standard practice in

the art, as Nguyen shows, to use dynamically linked libraries in order to map generic function

calls to the specific related functions themselves.

3.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brossman and

Nguyen as applied to claims 1 and 2 above, and further in view of Eylon et al. (US 6574618)

hereafter as Eylon.

Regarding claim 3, which depends from claim 2, the combination of Brossman and

Nguyen does not specifically teach the each dynamic link library has it own header file.

Eylon teaches that dynamic link libraries can have their own header files (col. 10 lines

18-22).

It would have been obvious to one of ordinary skill in the art that the dynamic linked

libraries of Brossman and Nguyen could have header files as taught in Eylon. The motivation for

doing so would have been to, as stated in Eylon, be able to load just the header of a linked library

in order to view the functions within, for example, if the library was the correct one associated

with the specific printer device. Then the full dynamic linked library is loaded when it is the correct library.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-6352491, Lakis et al., 3-11-2003 : teaches processes and apparatuses for managing network devices.

US-6310692, Fan et al., 10-30-2001 : teaches dynamic, preventive, centralized printer resource management system and method.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas Divine whose telephone number is 571-272-7432. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lucas Divine
Examiner
Art Unit 2624

ljd
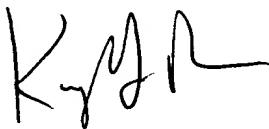
KING Y. POON
PRIMARY EXAMINER